

CHAPTER NO. 98

HOUSE BILL NO. 931

By Representatives Hagood, Roach, West, Coleman, Cobb, Black, Lynn, Gresham, Rinks, Armstrong, DeBois, Brenda Turner, Yokley, Litz

Substituted for: Senate Bill No. 496

By Senators Clabough, Atchley, Graves

AN ACT to amend Tennessee Code Annotated, Title 45, Chapter 10, relative to disclosures by financial institutions.

WHEREAS, a financial institution may disclose financial records relating to a customer only under certain limited circumstances as defined in the Financial Records Privacy Act; and

WHEREAS, there is an interest to facilitate the sharing of information between financial institutions and appropriate law enforcement officials only on a voluntary basis without exposing any financial institution to liability for making such disclosures; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 45-10-104, is amended by deleting subsection (b) in its entirety and substituting the following language:

(b) Nothing in this chapter shall preclude any financial institution, or any officer, employee, or agent of a financial institution, from notifying a government authority that such institution, or officer, employee, or agent has information which the financial institution or its representative believes may be relevant to a possible violation of any statute or regulation. Such information may include the name or other identifying or descriptive information concerning any individual, corporation, or account involved in any suspected illegal activity, and a description of such activity. Such information may be disclosed notwithstanding any law or regulation of this state to the contrary. Nothing in this section shall create any duty to provide any information to a governmental authority except in accordance with subsection (a) of this section, nor relieve any duty to provide information to a governmental authority when otherwise required by law. Any financial institution, or officer, employee, or agent thereof making a disclosure of information pursuant to this subsection, shall not be liable to any person under any law or regulation of this state or political subdivision thereof, for disclosure or for any failure to disclose information required or permitted under this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 24, 2003



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of May 2003



PHIL BREDESEN, GOVERNOR